

PATENT
Docket No. 293.00020101IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Emery et al.) Group Art Unit: 1646
 Serial No.: 10/038,504)
 Filed: January 3, 2002)
 For: IMMUNIZING COMPOSITIONS AND METHODS OF USE

ELECTION UNDER 37 C.F.R. §§3.71 AND 3.73 AND POWER OF ATTORNEY

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The undersigned, being Assignee of the entire interest in the above-identified application by virtue of an Assignment recorded in the United States Patent and Trademark Office as set forth or filed herewith, hereby elects, under 37 C.F.R. §3.71, to prosecute the application to the exclusion of the inventor(s).

The Assignee hereby revokes any previous Powers of Attorney and appoints: Ann M. Muetting (Reg. No. 33,977); Kevin W. Raasch (Reg. No. 35,651); Mark J. Gebhardt (Reg. No. 35,518); Victoria A. Sandberg (Reg. No. 41,287); David L. Provence (Reg. No. 43,022); Matthew W. Adams (Reg. No. 43,459); Loren D. Albin (Reg. No. 37,763); Joseph C. Huebsch (Reg. No. 42,673); Kathleen L. Franklin (Reg. No. 47,574); and Nancy A. Johnson (Reg. No. 47,266).

as its attorney or agent (with full powers of appointment, substitution, and revocation) to prosecute the application, and any division, continuation, continuation-in-part, reexamination, or reissue thereof, to make alterations and amendments therein, and to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent.

Pursuant to 37 C.F.R. §3.73, the undersigned certifies that the evidentiary documents have been reviewed, specifically the Assignment to Willmar Poultry Company, Inc. referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

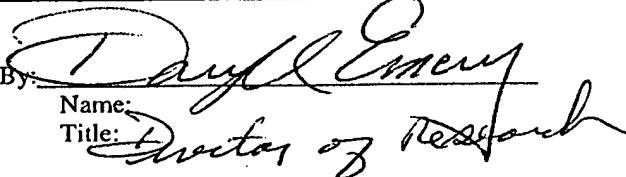
Attention: David L. Provence
Muetting, Raasch & Gebhardt, P.A.
P.O. Box 581415
Minneapolis, MN 55458-1415
Telephone No. (612) 305-1005
Customer Number 26813



26813

PATENT TRADEMARK OFFICE

ASSIGNEE: WILLMAR POULTRY COMPANY, INC.Date: 5-28-02

By: 
 Name: David L. Emery
 Title: Director of Research

ASSIGNMENT:

Concurrently filed herewith for recording, a copy of which is attached hereto.
 _____ Previously recorded on: _____, at Reel: _____ Frame: _____.

Docket 293.00020101

ASSIGNMENT

Whereas We, Daryll A. Emery, Darren E. Straub, Donavan E. Zammert, and Gayla K. Kallevig , with residences and citizenships as indicated below; have made an invention in

IMMUNIZING COMPOSITIONS AND METHODS OF USE

U.S. Patent Appln. Serial No.10/038,504, filed 3 January 2002
 Provisional Patent Appln. Serial No. 60/259,504, filed 3 January 2001
 Provisional Patent Appln. Serial No. 60/262,896, filed 19 January 2001
 International Patent Appln. No. PCT/US02/00188, filed 3 January 2002

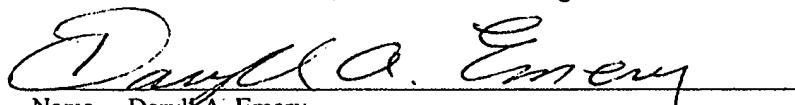
and executed an application for Letters Patent of the United States of America based thereon;

Now, therefore, for good and valuable consideration, receipt of which is acknowledged, we have individually and jointly agreed to assign and transfer and do hereby assign and transfer unto WILLMAR POULTRY COMPANY, INC. ("Company"), a corporation of Willmar, Minnesota, having its principal office at 3735 County Road 5, Willmar, Minnesota 56201, its successors and assigns, the entire right, title, and interest in and to said invention and application, and in and to any division or continuation (in whole or in part) of said application, and in and to any and all improvements in said invention made by us or any of us or made jointly with others (provided any such improvement is made during, or within one year after the termination of, the employment by the Company of whichever of us, solely or jointly with one or more others, has made the same), and in and to any and all Letters Patent, reexaminations, reissues, or extensions thereof, of the United States of America and countries foreign thereto (including the right to apply for Letters Patent, Utility Models, or Inventors' Certificates in foreign countries in its own name and to claim any priority rights for such foreign applications to which such applications are entitled under international conventions, treaties, or otherwise), which have been or may be granted thereon or on any continued prosecution application, divisional, continuation (in whole or in part), renewal, reexamination, reissue, or other or further application based in whole or in part upon said invention or improvements thereon, to be held and enjoyed as fully and exclusively as they would have been by us or any of us had this assignment and transfer not been made;

We do further agree for ourselves and for our heirs, executors, and administrators, to execute and deliver without further consideration any further applications, assignments, and documents, and to perform such other acts as we lawfully may, that may be deemed necessary by the Company, its successors, assigns, and nominees, fully to secure its right, title, and interest as aforesaid and to obtain or maintain Letters Patent, Utility Models, or Inventors' Certificates in any and all countries;

And we do hereby authorize and request the Commissioner of Patents to issue any and all Letters Patent which may be granted upon any of said applications, to WILLMAR POULTRY COMPSNY, INC. as the assignee of the entire right, title, and interest therein.

In witness whereof, we have hereunto signed our names on the days and years set forth below.



Name Daryll A. Emery

Citizenship: USA

Residence: 8990 Riverwood Circle, New London, MN 56273

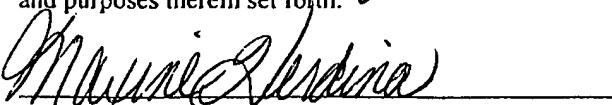
STATE OF Minnesota)
) ss.

COUNTY OF Kandiyohi)

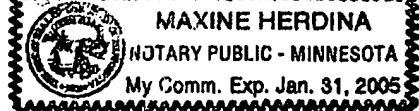
5/28/02

Date

On this 30 day of May 2002, before me personally appeared Daryll A. Emery, to me known to be the person described in and who executed the foregoing instrument, and he/she executed the same for the uses and purposes therein set forth.



Notary Public



Assignment
Serial No. 10/038,504
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Darren E. Straub

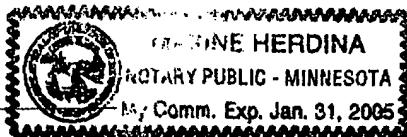
5/28/02

Date

Name Darren E. Straub
Citizenship: USA
Residence: 16189 Gulfview Road, New London, MN 56273

STATE OF Minnesota)
COUNTY OF Kandiyohi) ss.

On this 28 day of May 2002, before me personally appeared Darren E. Straub, to me known to be the person described in and who executed the foregoing instrument, and he/she executed the same for the uses and purposes therein set forth.



Maxine Herdina
Notary Public

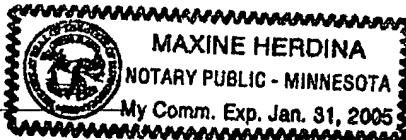
5-28-02

Date

Name Donavan E. Zammert
Citizenship: USA
Residence: 819 Seolena Avenue, Willmar, MN 56201

STATE OF Minnesota)
COUNTY OF Kandiyohi) ss.

On this 28 day of May 2002, before me personally appeared Donavan E. Zammert, to me known to be the person described in and who executed the foregoing instrument, and he/she executed the same for the uses and purposes therein set forth.



Maxine Herdina
Notary Public

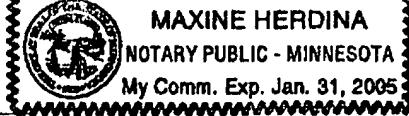
5-28-02

Date

Name Gayla K. Kallevig
Citizenship: USA
Residence: 3109 Eagle Ridge Drive East, Willmar, MN 56201

STATE OF Minnesota)
COUNTY OF Kandiyohi) ss.

On this 28 day of May 2002, before me personally appeared Gayla K. Kallevig, to me known to be the person described in and who executed the foregoing instrument, and he/she executed the same for the uses and purposes therein set forth.



Maxine Herdina
Notary Public